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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

EMISSIVE ENERGY CORPORATION,

Plaintiff,

v.

COAST CUTLERY CO.,

Defendant.

Civil No. CA 04 482L

DEFENDANT'S MOTION FOR LEAVE TO FILE PRETRIAL MEMORANDUM AND JURY INSTRUCTIONS OUT OF TIME

Now comes Defendant Coast Cutlery Co. ("Defendant"), and moves this Honorable Court for an Order granting it leave to file its Pretrial Memorandum and Proposed Jury Instructions two days late, or on October 14, 2005. As grounds for its Motion, Defendant states as follows:

1. During the Summer of 2005, Defendant had moved to extend discovery by forty-five (45) days to allow for the completion of certain specified discovery. On August 15, 2005, this Court entered an Order requiring that the Pretrial Memorandum and Proposed Jury Instructions of the parties be filed by October 14, 2005 in this matter. (A copy of the Court's Amended Pretrial Order is annexed hereto as Exhibit 1).

2. Defendant's counsel docketed this matter for October 14, 2005 for submission of those papers.

Granted - objections to expert testimony will be ruled on at trial. Ronald R. Lagueux Sr. USDJ 10/19/05